

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

SB 772 – HB 1385

March 30, 2009

SUMMARY OF AMENDMENT (005246): Deletes all language of the original bill and grants prescreening agents, physicians, or licensed psychologists state employee status and prohibits the entities that employ them and sheriffs from being held civilly liable for damages arising out of a transport if it is determined that an involuntary admission for mental health treatment patient does not need to be restrained or have vehicle security when being transported. Requires any secondary transportation agent, municipal law enforcement agency, friend, relative, clergy member, or other mental health professional authorized to transport an individual without the use of restraints or security to sign a form agreeing to pay any and all costs associated with the transport.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$3,100/Each One-Day Meeting
\$98,700/Recurring

Decrease Local Expenditures - \$206,100

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue - \$49,300

Increase State Expenditures – \$98,700

Decrease Local Expenditures - \$206,100

Assumptions applied to amendment:

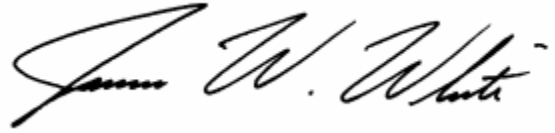
- Individuals can only be transported by secondary transportation agents, municipal law enforcement agencies, regional mental health institute (RMHI) staff, others associated with the individual if a prescreening agent, physician, or licensed psychiatrist determines that vehicle security or restraints are not necessary.

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- According to the Department of Mental Health and Developmental Disabilities (DMHDD), most agents, physicians or psychiatrists will not make that determination due to liability issues. The proposed legislation will result in more transports by the RMHI staff.
- DMHDD estimates that 3,170 individuals will be turned away and 1,680 of those will be from rural counties that do not house an RMHI. One-half or 840 will be transported by family members. Of the remaining 840, it is estimated that 75 percent, or 630, will be returned to their home county by RMHI staff.
- DMHDD estimates that a total of 67,600 round-trip miles at \$.54 per mile will result in an increase in expenditures of \$36,504 ($67,600 \times \$.54$).
- DMHDD estimates that the additional transports will result in an increase in expenditures of \$62,192 for 3,380 hours of staff time at \$18.40 per hour.
- The bill as amended requires an individual who transports a person to a psychiatric hospital to be responsible for all costs of transportation to and from the facility. It is assumed that DMHDD will not be able to collect 100 percent of the cost for transports. It is estimated that at least 50 percent, or \$49,348 [$(\$36,504 + \$62,192) \times .50$], of the transport costs will be recovered.
- With fewer transports requiring vehicle safety or restraints, local sheriff departments will have fewer transports resulting in a decrease in local expenditures.
- DMHDD estimates that there will be 10,670 emergency admissions that will not require restraints or security. Fifty percent, or 5,335 individuals, will be transported by the local sheriffs departments.
- Of the remaining 5,335 individuals, 25 percent, or 1,334, will be transported by family members.
- The total decrease in transports by the sheriffs departments is estimated to be 1,964 (1,334 in emergency admissions + 630 turn aways).
- It is estimated that a total of 200,000 round-trip miles at \$.54 per mile will not be traveled by the sheriffs resulting in a decrease in expenditures of \$108,000 ($200,000 \times \$.54$).
- It is estimated that the reduced number of transports will also result in a decrease in expenditures of \$98,100, for the equivalent of 3 sheriff's deputies at a salary of \$32,700.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible.

James W. White, Executive Director

/kml